

**CITY OF DANA POINT
PLANNING COMMISSION
REGULAR MEETING ACTION MINUTES**

October 23, 2023
5:01 pm – 6:56 pm

City Hall Offices
Council Chamber (#210)
33282 Golden Lantern
Dana Point, CA 92629

CLOSED SESSION

CALL TO ORDER REGULAR MEETING

Chair Dhingra called the Regular Meeting of the Dana Point Planning Commission to order at 5:01 pm.

PLEDGE OF ALLEGIANCE

Commissioner Nelson led the Pledge of Allegiance.

ROLL CALL

Planning Commission Members Present: Chair Ashok Dhingra, Vice-Chair Mary Opel, Commissioner Luke Boughen, Commissioner Deana Christakes, Commissioner Eric Nelson

Planning Commission Members Absent: None

Staff Present: Brenda Wisneski (Director of Community Development), Jennifer Farrell (Deputy City Attorney), Danny Giometti (Senior Planner), John Chiampa (Principal Planner), Belinda Deines (Principal Planner) and Martha Ochoa (Senior Administrative Assistant).

CLOSED SESSION

- A. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION, SIGNIFICANT EXPOSURE TO LITIGATION, Government Code 54956.9(d)(2) (1 case).

Chair Dhingra recessed the meeting into a Closed Session at 5:03 p.m. pursuant to Government Code Section 54956.9(d)(2).

RECESS OF PLANNING COMMISSION UNTIL 6:00 PM

RECONVENE PLANNING COMMISSION

Nothing was reported out of Closed Session.

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A. APPROVAL OF MINUTES

ITEM 1: MINUTES OF REGULAR PLANNING COMMISSION FROM SEPTEMBER 25, 2023

ACTION: Motion made by Vice-Chair Opel, seconded by Commissioner Nelson, to approve the Minutes of the Regular Planning Commission Meeting of September 25, 2023. Motion carried 4-0-1.

AYES: Opel, Boughen, Christakes, Nelson
NOES: None
ABSENT: None
ABSTAIN: Dhingra

B. PUBLIC COMMENTS

There were no Public Comments.

C. CONSENT CALENDAR

There were no items on the Consent Calendar.

D. PUBLIC HEARING

ITEM 2: COASTAL DEVELOPMENT PERMIT CDP23-0034 AND MINOR SITE DEVELOPMENT PERMIT SDP23-0024(M) TO DEMOLISH A SINGLE-FAMILY DWELLING WITH AN ATTACHED GARAGE, AND CONSTRUCT A NEW, 3,696 SQUARE FOOT, ONE-STORY, SINGLE-FAMILY DWELLING WITH AN ATTACHED 534 SQUARE FOOT, TWO-CAR GARAGE AND MULTIPLE LANDSCAPE RETAINING AND SCREEN WALLS LOCATED AT 32512 SEVEN SEAS DRIVE

Applicant: Eyoh Design

Location: 32512 Seven Seas Drive (APN: 670-083-14)

Request: Approval of a Coastal Development Permit and Minor Site Development Permit to demolish a single-family dwelling with an attached garage, and construct a new, 3,696 square foot, one-story, single-family dwelling with an attached 534 square foot, two-car garage and multiple landscape retaining and screen walls. The project is in the coastal Overlay District as defined by the City's Zoning Map and includes site walls which exceed district maximums within the front yard,

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therefore approval of a Coastal Development Permit and a Minor Site Development Permit are required, respectively.

Recommendation: That the Planning Commission continue the item to the November 13, 2023, Planning Commission Meeting.

Environmental: Pursuant to the California Environmental Quality Act (CEQA), the project is found to be Categorically Exempt per Section 15303(a) (Class 3 – New Construction) in that the project involves construction of one single-family dwelling and retaining walls in a residential zone.

PUBLIC COMMENTS

There were no Public Comments.

ACTION: Motion made by Commissioner Boughen, seconded by Vice-Chair Opel, to continue the request for Coastal Development Permit CDP23-0034 and Minor Site Development Permit SDP23-0024(M) to the November 27, 2023, Planning Commission Meeting. Motion carried 5-0-0.

AYES: Dhingra, Opel, Boughen, Christakes, Nelson

NOES: None

ABSENT: None

ABSTAIN: None

ITEM 3: COASTAL DEVELOPMENT PERMITS TO ALLOW HOMEOWNER ASSOCIATIONS (HOA) TO PROHIBIT SHORT-TERM RENTALS IN THEIR COMMUNITIES

Applicant/Location: 1. Pacific Terrace – Near the intersection of Pacific Coast Hwy and Terrace Lantern Street
2. Villas at Monarch – Near the intersection of Stonehill Drive and Monarch Beach Drive

Request: Approval of Coastal Development Permits to prohibit Short Term Rentals from operating within the referenced Homeowner Associations.

Recommendation: That the Planning Commission adopt the attached resolutions approving the referenced Coastal Development Permits.

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Environmental: Pursuant to the California Environmental Quality Act (CEQA), the project is found to be Categorically Exempt per Section 15301 (Class 1 – Existing Facilities) in that the prohibition of short-term rentals in a Homeowners Association does not result in a change of use or intensification of the Property. Alternatively, the prohibition of STRs in the HOA does not qualify as a “project” because it does not authorize any new construction or development in the City. Further, in the event the actions in adopting the CDPs are not exempt, the City has satisfied its CEQA obligations and no additional review is required pursuant 14 CCR 15162, as the City has previously adopted a Mitigated Negative Declaration by Resolution 13-12-03-08 relating to short term rentals.

John Ciampa (Principal Planner) provided a staff report and answered questions from the Planning Commissioners.

PUBLIC COMMENTS

There were no Public Comments.

ACTION: Motion made by Commissioner Nelson, seconded by Commissioner Boughen, to approve Coastal Development Permits to allow homeowner associations (HOA) to prohibit Short-Term Rentals in their communities. Motion carried 5-0-0.

AYES: Dhingra, Opel, Boughen, Christakes, Nelson

NOES: None

ABSENT: None

ABSTAIN: None

ITEM 4: COASTAL DEVELOPMENT PERMIT CDP22-0015, SITE DEVELOPMENT PERMIT SDP22-0023, AND ADMINISTRATIVE MODIFICATION OF STANDARDS AMS23-0005 TO CONSTRUCT A NEW 5,266 SQUARE FOOT DUPLEX WITH A 466 SQUARE FOOT ATTACHED GARAGE, VEHICLE LIFTS, ROOF DECK, AND DECKS AND BALCONIES AT 35075 BEACH ROAD

Applicant: Masum Azizi, Project Architect

Location: 35075 Beach Road (APN: 691-141-08)

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Request: Approval of Coastal Development Permit CDP22-0015, Site Development Permit SDP22-0023, and Administrative Modification of Standards AMS23-0005 to construct a new 5,266 square-foot two-story, duplex with an attached 466 square foot garage with vehicle lifts to provide the additional parking required for the duplex. The project also includes a 300-square-foot roof deck, and decks and balconies on the seaward side of the structure located within the City's Floodplain Overlay District, Coastal Overlay District, and the Appeals Jurisdiction of the California Coastal Commission.

Recommendation: That the Planning Commission adopt the attached resolution approving Coastal Development Permit CDP22-0015, Site Development Permit SDP22-0023, and Administrative Modification of Standards AMS23-0005.

Environmental: Pursuant to the California Environmental Quality Act (CEQA), the project is found to be Categorically Exempt per Section 15303(a) (Class 3 – New Construction) in that the project involves the construction of a new duplex in a residential zone.

John Ciampa (Principal Planner) provided a staff report and answered questions from the Planning Commissioners.

PUBLIC COMMENTS

Masum Azizi (Applicant) provided an oral presentation and made himself available to address any questions from the Planning Commissioners.

ACTION: Motion made by Commissioner Nelson, seconded by Vice-Chair Opel, to approve Coastal Development Permit CDP22-0015, Site Development Permit SDP22-0023, and Administrative Modification of Standards AMS23-0005 to construct a new 5,266 square foot duplex with a 466 square foot attached garage, vehicle lifts, roof deck, and decks and balconies at 35075 Beach Road. Motion carried 4-1-0.

AYES: Dhingra, Opel, Christakes, Nelson
NOES: Boughen
ABSENT: None
ABSTAIN: None

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ITEM 5: LOCAL COASTAL PROGRAM AMENDMENT LCPA23-0001 AND ZONE TEXT AMENDMENT ZTA22-0002 TO AMEND THE ZONING CODE TO COMPLY WITH STATE HOUSING LAWS AND CITY'S HOUSING ELEMENT

Applicant: City of Dana Point

Location: Citywide

Request: A request for a zone text amendment to amend regulations related to emergency shelter parking, manufactured homes, residential care facilities (six or fewer persons), supportive housing, and low barrier navigation centers. These amendments are necessary to comply with State housing laws and various programs in the City's certified 6th Cycle Housing Element.

Recommendation: That the Planning Commission adopt the attached draft resolution recommending the City Council approve Local Coastal Program Amendment LCPA23-0001 and Zone Text Amendment ZTA22-0002 (Action Document 1).

Environmental: Pursuant to the California Environmental Quality Act (CEQA) Section 15061(b)(3), the project is covered under the commonsense exemption that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

Belinda Deines (Principal Planner) provided a staff report and answered questions from the Planning Commissioners.

PUBLIC COMMENTS

There were no Public Comments.

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ACTION: Motion made by Vice-Chair Opel, seconded by Commissioner Nelson, to adopt Local Coastal Program Amendment LCPA23-0001 and Zone Text Amendment ZTA22-0002 to amend the zoning code to comply with State Housing Laws and City's Housing Element. Motion carried 5-0-0.

AYES: Dhingra, Opel, Boughen, Christakes, Nelson
NOES: None
ABSENT: None
ABSTAIN: None

E. OLD BUSINESS

There was no Old Business.

F. NEW BUSINESS

There was no New Business.

G. STAFF REPORTS

There were no Staff Reports.

H. COMMISSIONER COMMENTS

Commissioner Nelson welcomed Commissioner Christakes and added he looks forward to working with her.

Vice-Chair Opel echoed Commissioner Nelsons comments and welcomed Commissioner Christakes.

Commissioner Boughen welcomed Commissioner Christakes.

Chair Dhingra expressed a heartiest welcome for Commissioner Christakes and is looking forward to working with her.

Commissioner Christakes stated she was very thankful and honored to be at the meeting, is excited to get to work and thanked the Commissioners.

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I. ADJOURNMENT

Chair Dhingra adjourned the meeting at **6:56 pm**. The *next* Regular Meeting of the Planning Commission will be held on Monday, November 13, 2023, beginning at 6:00 p.m. (or as soon thereafter) in the City Council Chambers located at 33282 Golden Lantern, Suite 210, Dana Point, California.



Mary Opel, Planning Commission Vice-Chair